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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,880	01/10/2001	Srihari Kumar	P3976	9761

24739 7590 12/23/2004

CENTRAL COAST PATENT AGENCY  
PO BOX 187  
AROMAS, CA 95004

EXAMINER

PATEL, JAGDISH

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/758,880

Applicant(s)

KUMAR ET AL

Examiner

JAGDISH PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 23-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

Note: This office action is in response to application 09/758,880 filed 1/10/2001 and subsequent amendment filed 2/23/2002. Accordingly, original claims 1-22 have been cancelled and new claims 23-42 have been examined.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 23-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 23-32 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are discussed in reference to claim 23.

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4. Claim 22 recites limitation of a system "an output mechanism" and "one or more coded procedure". The output mechanism is not coupled to the one more coded procedures and therefore to all other limitations. It is suggested that the coded procedures be clarified as also generating results of the manipulation of the financial data and the output be specified as presenting the results.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 23-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Grant et al. (US 5,878,505).

Per claim 23 Grant discloses a financial planning system responsive to a specific person or organization, (abstract) comprising:

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access mechanism to one or more data repositories comprising financial data particular to the specific person or organization;

(Refer to Fig. 2 access mechanism to financial data repositories (memory records 440) are indicated as blocks 210-320)

an input mechanism for the specific person or a representative of the organization for a specific analysis of the financial data, and to select a form of analysis;

(Refer to Fig. 2 interface device 270 and blocks 220-250 in association with modems)

one or more coded procedures formulated to manipulate the financial data; and

(refer to Fig. 2 blocks 330 and 340)

an output mechanism to present results to the person or representative;

(refer to Fig. 2 blocks 270 and 430)

characterized in that the system, in response to input and configuration, analyzes the data and presents a result via the output mechanism.

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(refer to description under "System Monitor" at col. 13+ L  
50 - col. 16 L 42)

Claim 24. The system of claim 23 implemented on a network-  
connected server.

(col. 13 L 50- col. 14 L 22, the system monitor, the CLMS,  
is controlled by a central processing unit (CPU) 200, having  
stored program commands and instructions governing it's  
processing responsibilities. a preferred embodiment utilizes  
modem devices connected to the internet with data encrypted for  
security, utilizing encryption techniques the same or similar to  
the SET standard recently adopted by Visa and MasterCard for  
credit card transactions.)

Claim 25. The system of claim 24, wherein the network is  
the Internet network.

(see claim 24 analysis)

Claim 26. wherein access to the Internet is through an  
internet appliance.

(see interface device 270 in Fig. 2, see also col. 14 L 23-  
33)

Claim 27. wherein the Internet appliance is one of a  
personal computer, a cellular telephone, or a personal digital  
assistant.

(see interface device 270 in Fig. 2, see also col. 14 L 23-  
33)

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Claims 28 and 29. wherein the input mechanism comprises a pre-configured electronic form.

(see col. 15 L 45+ "Main Menu")

Claim 30. wherein the output mechanism comprises a display of one or more of text results, table results and graphical results.

(See blocks showing display e.g. Fig. 6 block 2120, Fig. 7 block 2210 etc.)

Claim 31. wherein a configured specific analysis includes options for output.

(see blocks 2275, 2277 in Figure 6D, see col. 19 L 48-62)

Claim 32. wherein the results are presented as advice to the person or representative..

(see col. 34 claim 35 ..a retirement security optimization means outputting to each participant a plurality of recommended pension account contribution rates determined by computer means, whereby the participant has information to monitor and control retirement security.)

7. All limitations of method claims 33-42 have been analyzed as per respective system claims 23-32 where respective system

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elements perform the functionality of method steps recited in the method claims.

8. Accordingly claims 23-42 are also rejected under 35 U.S.C. 102(b) as being anticipated by the Grant patent.

### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Albright (US Pat. 6,012,043) teaches a computerized system and method for financial planning which provide advice to the user based upon the user's financial position and financial preferences.

Atkins (US 5,644,727) teaches a practical communication and computer based system and method for effecting exchange, investment and borrowing involves the use of digital communication and computation terminals distributed to users and service providers. Through the system described and its combined computer and communication terminals, client/customers may purchase goods and services, save, invest, track bonuses and rebates and effect enhanced personal financial analysis, planning, management and record keeping with less effort and increased convenience.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH

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PATEL whose telephone number is (703)308-7837. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703)308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

12/20/04